

REMARKS

Applicants respectfully request reconsideration of the current Application. Claims 1-7 and 9-20 stand rejected as being obvious over U.S. 5,727,129 ("Barrett") in view of U.S. 5,740,430 ("Rosenberg") and U.S. 5,796,952 ("Davis"). As will be explained in more detail below, the rejection should be withdrawn because the Office Action has not established a prima facie showing of obviousness. At a minimum, (a) the Office Action does not consider the invention as a whole, (b) Barrett teaches away from the invention, (c) the Office Action does not provide a nexus to combine references, and (d) the Office Action relies on hindsight construction analysis.

Applicants respectfully submit that claims 1-7 and 9-20 are not obvious over Barrett in view of Rosenberg and Davis because the Office Action has not established a prima facie showing of obviousness. The Office Action has focussed on the first set of claims (claims 1-10), and therefore, Applicants will likewise focus on the first set of claims. In claim 1, the method comprises generating at least one pre-customized display for a first visitor, caching it, analyzing a data file of a second visitor, and displaying the at least one pre-customized display, wherein the at least one pre-customized display is not regenerated before displaying it to the second visitor. The caching helps to reduce the number of times a server needs to regenerate a pre-customized display. Therefore, embodiments of the present invention help to conserve the limited resources of the server computer.

While Applicants appreciate that the rejection is based on a combination of references, Barrett is first addressed because it is the principal reference relied upon by the Office Action. Similar to the claims, the references must be considered as a whole. One of the functions that Barrett teaches includes initiating a download of a web page before a user requests it. If the user selects some other web page, the downloading of the prior web page is aborted. See column 9 at lines 10-16 of Barrett. Barrett appears to be focused more on providing information quickly to the user without regard to consequences on the server computer. This is readily apparent from the initiated download that may become aborted. Such an action may cause a server for a web site to perform unnecessary tasks. Such tasks may slow down the server or require additional servers so that other users are not significantly adversely affected by the unnecessary, aborted, partial downloads if many users are using the software described in Barrett.

The Office Action needs to consider the invention as a whole. Claim 1 includes generating at least one pre-customized display for a first visitor, caching the display, and displaying the at least one pre-customized display, wherein it is not regenerated before displaying it to a second visitor. From the claim language when considered as a whole, at least two visitors would be present and regeneration of the display for the second visitor is not required. Barrett is more concerned with providing information quicker to a specific visitor. As previously described, Barrett allows for unnecessary, aborted, partial downloads to achieve quicker access of information to the user. Clearly, those downloads burden the server computer because a page may be generated that is not accessed by the user. Therefore, Barrett goes in a different direction and teaches away from claim 1. When Barrett is considered as a whole, one of ordinary skill in the art would not refer to Barrett when addressing a problem of conserving limited server computer resources.

Obviousness cannot be established by combining the references to produce the claimed invention absent some teaching, suggestion, or incentive supporting the combination. The Office Action recites where different limitations are believed to be found within the references. However, the Office Action does not provide a nexus for combining Barrett with Rosenberg or Davis. In other words, the Office Action does not state what in Barrett would lead one of ordinary skill in the art to Rosenberg or Davis. When Barrett is properly considered, a combination of Barrett and Rosenberg may not be possible to achieve the present invention because Barrett has little concern with conserving server resources. Davis is cited for its use of multiple servers, which is not expressly stated in claim 1. Therefore, Rosenberg and Davis cannot be used to provide missing elements or counter the teaching away of the invention by Barrett because no nexus has been established.

Applicants note that the Office Action cannot use the current Application for providing a blueprint for achieving the present invention. Such a use constitutes impermissible hindsight construction analysis. More specifically, the Office Action cannot use the current Application to provide nexuses to combine the references. In the absence of a stated nexus, hindsight construction analysis may be presumed. Again, an obviousness rejection based on the combination of references cannot be made.

For at least the reasons stated above, the current rejection cannot be sustained and should be withdrawn. Because claim 1 is not obvious over Barrett in view of Rosenberg and Davis, all of its dependent claims are likewise not obvious.

Applicants respectfully request allowance of claims 1-7 and 9-20. If the rejection is not withdrawn, Applicants request an in-person interview with the Examiner on about June 8, 2001. Applicants' attorney will contact the Examiner closer to that date to confirm the date and time of the interview. Contact me if there are any questions.

Respectfully submitted,

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Date

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